

AMENDED IN SENATE MAY 5, 2014  
AMENDED IN ASSEMBLY MAY 2, 2013  
AMENDED IN ASSEMBLY MARCH 21, 2013  
CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1324**

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**Introduced by Assembly Members ~~Member Skinner and Bonta~~  
(~~Coauthor: Assembly Member Buchanan~~)  
(Coauthor: Senator Hancock)**

February 22, 2013

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~~An act to amend Section 9250.14 of the Vehicle Code, relating to vehicles, and making an appropriation therefor. An act to add and repeal Chapter 3.8 (commencing with Section 7293) of Part 1.7 of Division 2 of the Revenue and Taxation Code, relating to taxation.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 1324, as amended, Skinner. ~~Vehicles: additional registration fees: vehicle theft crimes. Transactions and use taxes: City of El Cerrito.~~

*Existing law authorizes cities and counties, subject to certain limitations and approval requirements, to levy a transactions and use tax for general purposes, in accordance with the procedures and requirements set forth in the Transactions and Use Tax Law, including a requirement that the combined rate of all taxes that may be imposed in accordance with that law in the county not exceed 2%.*

*This bill would authorize the City of El Cerrito, if certain requirements are met, to impose a transactions and use tax for general purposes at a rate of no more than 0.5% that would, in combination with other specified taxes, exceed the combined rate limit.*

*These provisions would be repealed by their own terms on January 1, 2022, if the ordinance is not approved, as specified.*

*This bill would make legislative findings and declarations as to the necessity of a special statute for the City of El Cerrito.*

~~Existing law, until January 1, 2018, in addition to the other fees imposed for the registration of a vehicle, authorizes a county to impose an additional fee of \$1 on all motor vehicles, and an additional service fee of \$2 on commercial motor vehicles of 10,001 pounds or more, as specified, and continuously appropriates the money to fund local programs relating to vehicle theft crimes. Existing law also authorizes the County of Los Angeles, the County of San Diego, and the County of San Bernardino to increase the motor vehicle fee from \$1 to \$2, provides that the service fee on commercial motor vehicles would increase from \$2 to \$4 in those counties, upon adoption of a resolution of their boards of supervisors, and requires the resolution to be submitted to the Department of Motor Vehicles at least 6 months prior to the operative date of the fee increase. Existing law provides that these fees are deposited into a continuously appropriated fund.~~

~~This bill would, until January 1, 2018, additionally authorize the County of Alameda to increase the motor vehicle fee from \$1 to \$2, would provide that the service fee on commercial motor vehicles would increase from \$2 to \$4, upon adoption of a resolution of its board of supervisors, and would require the resolution to be submitted to the Department of Motor Vehicles at least 6 months prior to the operative date of the fee increase. The bill would make an appropriation by depositing the increased fees in a continuously appropriated fund.~~

Vote: majority. Appropriation: *yes-no*. Fiscal committee: *yes no*. State-mandated local program: *no*.

*The people of the State of California do enact as follows:*

1     *SECTION 1. Chapter 3.8 (commencing with Section 7293) is*  
2     *added to Part 1.7 of Division 2 of the Revenue and Taxation Code,*  
3     *to read:*

4  
5     *CHAPTER 3.8. LOCAL GOVERNMENT FINANCE IN THE CITY OF*  
6                                     *EL CERRITO*

7  
8     7293. *Notwithstanding any other law, the City of El Cerrito*  
9     *may impose a transactions and use tax for general purposes at a*

1 rate of no more than 0.5 percent that would, in combination with  
2 all taxes imposed pursuant to Part 1.6 (commencing with Section  
3 7251), exceed the limit established in Section 7251.1, if all of the  
4 following requirements are met:

5 (a) The city adopts an ordinance proposing the transactions  
6 and use tax subject to any applicable voter approval requirement.

7 (b) The ordinance proposing the transactions and use tax is  
8 submitted to the electorate and is approved by the voters voting  
9 on the ordinance as required by Article XIII C of the California  
10 Constitution. The election on the ordinance proposing the  
11 transactions and use tax may occur on or after November 4, 2014.

12 (c) The transactions and use tax conforms to the Transactions  
13 and Use Tax Law, Part 1.6 (commencing with Section 7251), other  
14 than Section 7251.1.

15 (d) The transactions and use tax is imposed on or after January  
16 1, 2015.

17 7294. If, as of January 1, 2022, an ordinance proposing a  
18 transactions and use tax has not been approved as required by  
19 subdivision (b) of Section 7293, this chapter shall be repealed as  
20 of that same date.

21 SEC. 2. The Legislature finds and declares that a special law  
22 is necessary and that a general law cannot be made applicable  
23 within the meaning of Section 16 of Article IV of the California  
24 Constitution because of the unique fiscal and public service  
25 pressures being experienced in the City of El Cerrito.

26 SECTION 1. ~~Section 9250.14 of the Vehicle Code is amended~~  
27 ~~to read:~~

28 ~~9250.14. (a) (1) In addition to any other fees specified in this~~  
29 ~~code and the Revenue and Taxation Code, upon the adoption of a~~  
30 ~~resolution by any county board of supervisors, a fee of one dollar~~  
31 ~~(\$1) shall be paid at the time of registration or renewal of~~  
32 ~~registration of every vehicle, except vehicles described in~~  
33 ~~subdivision (a) of Section 5014.1, registered to an address within~~  
34 ~~that county except those expressly exempted from payment of~~  
35 ~~registration fees. The fees, after deduction of the administrative~~  
36 ~~costs incurred by the department in carrying out this section, shall~~  
37 ~~be paid quarterly to the Controller.~~

38 ~~(2) (A) If the County of Alameda, the County of Los Angeles,~~  
39 ~~the County of San Diego, or the County of San Bernardino has~~  
40 ~~adopted a resolution to impose a one-dollar (\$1) fee pursuant to~~

1 paragraph (1), the county may increase the fee specified in  
2 paragraph (1) to two dollars (\$2) in the same manner as the  
3 imposition of the initial fee pursuant to paragraph (1). The two  
4 dollars (\$2) shall be paid at the time of registration or renewal of  
5 registration of a vehicle, and quarterly to the Controller, as provided  
6 in paragraph (1).

7 (B) A resolution to increase the fee from one dollar (\$1) to two  
8 dollars (\$2) pursuant to subparagraph (A) shall be submitted to  
9 the department at least six months prior to the operative date of  
10 the fee increase.

11 (3) In addition to the service fee imposed pursuant to paragraph  
12 (1), and upon the implementation of the permanent trailer  
13 identification plate program, and as part of the Commercial Vehicle  
14 Registration Act of 2001 (Chapter 861 of the Statutes of 2000),  
15 all commercial motor vehicles subject to Section 9400.1 registered  
16 to an owner with an address in the county that established a service  
17 authority under this section, shall pay an additional service fee of  
18 two dollars (\$2).

19 (4) (A) If a county imposes a service fee of two dollars (\$2) by  
20 adopting a resolution pursuant to subparagraph (A) of paragraph  
21 (2), the fee specified in paragraph (3) shall be increased to four  
22 dollars (\$4). The four dollars (\$4) shall be paid at the time of  
23 registration or renewal of registration of a vehicle, and quarterly  
24 to the Controller as provided in paragraph (1).

25 (B) A resolution to increase the additional service fee from two  
26 dollars (\$2) to four dollars (\$4) pursuant to subparagraph (A) shall  
27 be submitted to the department at least six months prior to the  
28 operative date of the fee increase.

29 (b) Notwithstanding Section 13340 of the Government Code,  
30 the moneys paid to the Controller are continuously appropriated,  
31 without regard to fiscal years, for the administrative costs of the  
32 Controller, and for disbursement by the Controller to each county  
33 that has adopted a resolution pursuant to subdivision (a), based  
34 upon the number of vehicles registered, or whose registration is  
35 renewed, to an address within that county.

36 (c) Except as otherwise provided in this subdivision, moneys  
37 allocated to a county pursuant to subdivision (b) shall be expended  
38 exclusively to fund programs that enhance the capacity of local  
39 police and prosecutors to deter, investigate, and prosecute vehicle  
40 theft crimes. In any county with a population of 250,000 or less,

1 the moneys shall be expended exclusively for those vehicle theft  
2 crime programs and for the prosecution of crimes involving driving  
3 while under the influence of alcohol or drugs, or both, in violation  
4 of Section 23152 or 23153, or vehicular manslaughter in violation  
5 of Section 191.5 of the Penal Code or subdivision (e) of Section  
6 192 of the Penal Code, or a combination of any of those crimes.

7 (d) ~~The moneys collected pursuant to this section shall not be~~  
8 ~~expended to offset a reduction in any other source of funds, nor~~  
9 ~~for any purpose not authorized under this section.~~

10 (e) ~~Any funds received by a county prior to January 1, 2000,~~  
11 ~~pursuant to this section, that are not expended to deter, investigate,~~  
12 ~~or prosecute crimes pursuant to subdivision (c) shall be returned~~  
13 ~~to the Controller, for deposit in the Motor Vehicle Account in the~~  
14 ~~State Transportation Fund. Those funds received by a county shall~~  
15 ~~be expended in accordance with this section.~~

16 (f) ~~Each county that adopts a resolution under subdivision (a)~~  
17 ~~shall submit, on or before the 13th day following the end of each~~  
18 ~~quarter, a quarterly expenditure and activity report to the designated~~  
19 ~~statewide Vehicle Theft Investigation and Apprehension~~  
20 ~~Coordinator in the Department of the California Highway Patrol.~~

21 (g) ~~A county that imposes a fee under subdivision (a) shall issue~~  
22 ~~a fiscal yearend report to the Controller on or before August 31 of~~  
23 ~~each year. The report shall include a detailed accounting of the~~  
24 ~~funds received and expended in the immediately preceding fiscal~~  
25 ~~year, including, at a minimum, all of the following:~~

26 (1) ~~The amount of funds received and expended by the county~~  
27 ~~under subdivision (b) for the immediately preceding fiscal year.~~

28 (2) ~~The total expenditures by the county under subdivision (c)~~  
29 ~~for the immediately preceding fiscal year.~~

30 (3) ~~Details of expenditures made by the county under~~  
31 ~~subdivision (c), including salaries and expenses, purchase of~~  
32 ~~equipment and supplies, and any other expenditures made listed~~  
33 ~~by type with an explanatory comment.~~

34 (4) ~~A summary of vehicle theft abatement activities and other~~  
35 ~~vehicle theft programs funded by the fees collected under this~~  
36 ~~section.~~

37 (5) ~~The total number of stolen vehicles recovered and the value~~  
38 ~~of those vehicles during the immediately preceding fiscal year.~~

1 ~~(6) The total number of vehicles stolen during the immediately~~  
 2 ~~preceding fiscal year as compared to the fiscal year prior to the~~  
 3 ~~immediately preceding fiscal year.~~

4 ~~(7) Any additional, unexpended fee revenues received under~~  
 5 ~~subdivision (b) for the county for the immediately preceding fiscal~~  
 6 ~~year.~~

7 ~~(h) Each county that fails to submit the report required pursuant~~  
 8 ~~to subdivision (g) by November 30 of each year shall have the fee~~  
 9 ~~suspended by the Controller for one year, commencing on July 1~~  
 10 ~~following the Controller's determination that a county has failed~~  
 11 ~~to submit the report.~~

12 ~~(i) (1) On or before January 1, 2013, and on or before January~~  
 13 ~~1 of each year, the Controller shall provide to the Department of~~  
 14 ~~the California Highway Patrol copies of the yearend reports~~  
 15 ~~submitted by the counties under subdivision (g), and, in~~  
 16 ~~consultation with the Department of the California Highway Patrol,~~  
 17 ~~shall review the fiscal yearend reports submitted by each county~~  
 18 ~~pursuant to subdivision (g) to determine if fee revenues are being~~  
 19 ~~utilized in a manner consistent with this section. If the Controller~~  
 20 ~~determines that the use of the fee revenues is not consistent with~~  
 21 ~~this section, the Controller shall consult with the participating~~  
 22 ~~counties' designated regional coordinators. If the Controller~~  
 23 ~~determines that use of the fee revenues is still not consistent with~~  
 24 ~~this section, the authority to collect the fee by that county shall be~~  
 25 ~~suspended for one year.~~

26 ~~(2) If the Controller determines that a county has not submitted~~  
 27 ~~a fiscal yearend report as required in subdivision (g), the~~  
 28 ~~authorization to collect the service fee shall be suspended for one~~  
 29 ~~year pursuant to subdivision (h).~~

30 ~~(3) When the Controller determines that a fee shall be suspended~~  
 31 ~~for a county, the Controller shall inform the Department of Motor~~  
 32 ~~Vehicles on or before January 1 of each year that the authority to~~  
 33 ~~collect a fee for that county is suspended.~~

34 ~~(j) On or before January 1 of each year, the Controller shall~~  
 35 ~~prepare and submit to the Legislature a revenue and expenditure~~  
 36 ~~summary for each participating county that includes all of the~~  
 37 ~~following:~~

38 ~~(1) The total revenues received by each county.~~

39 ~~(2) The total expenditures by each county.~~

40 ~~(3) The unexpended revenues for each county.~~

1     ~~(k) For the purposes of this section, a county-designated regional~~  
2     ~~coordinator is that agency designated by the participating county's~~  
3     ~~board of supervisors as the agency in control of its countywide~~  
4     ~~vehicle theft apprehension program.~~

5     ~~(l) This section shall remain in effect only until January 1, 2018,~~  
6     ~~and as of that date is repealed, unless a later enacted statute that~~  
7     ~~is enacted on or before January 1, 2018, deletes or extends that~~  
8     ~~date.~~

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